

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 101

### AN ORDINANCE AMENDING TITLE 19 TO INCLUDE NEW CHAPTER 19.87, "SITE PLAN REVIEW PROCESS"

**WHEREAS**, the "Municipal Land Use, Development, and Management Act," UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the "*Act*"), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**WHEREAS**, pursuant to the Act, the municipality's planning commission shall prepare and recommend to the municipality's legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission's recommendations for zoning the area within the municipality; and

**WHEREAS**, the Act also provides certain procedures for the municipality's legislative body to adopt or amend the land use ordinance and zoning map for the City; and

**WHEREAS**, on 14 July 2005, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City's code of ordinances (the "*Code*"); and

**WHEREAS**, thereafter, the City's planning commission (the "*Planning Commission*") formulated a proposed chapter 19.87 ("*Chapter 19.87*") of the Code to provide guidelines for submittal and review of site plans for permitted and conditional land uses in the City; and

**WHEREAS**, on 18 July 2007, a public hearing was held before the Planning Commission, where citizens were given the opportunity to provide written or oral comment concerning proposed Chapter 19.87; and

**WHEREAS**, such public hearing before the Planning Commission was preceded by all required legal notices; and

**WHEREAS**, following the public hearing, the Planning Commission recommended Chapter 19.87 to the Council for adoption; and

**WHEREAS**, on 30 October 2007, the Council met in regular meeting to consider, among other things, amending Title 19 of the Code to include new Chapter 19.87 as proposed; and

**WHEREAS**, after careful consideration of the recommendations of the Planning Commission, comments at the public hearing, and other relevant input, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so amend Title 19 of the Code to include new Chapter 19.87 as proposed;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Adoption of New Chapter 19.87.** The Council hereby amends Title 19 of the Code to include new Chapter 19.87 (Site Plan Review Process) set forth on the attached exhibit.

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date.** This Ordinance, assigned no. 101, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

**PASSED AND APPROVED** this 30<sup>th</sup> day of October 2007.

**COTTONWOOD HEIGHTS CITY COUNCIL**



Linda W. Dunlavy  
Linda W. Dunlavy, Recorder

By Kelvyn H. Cullimore, Jr.  
Kelvyn H. Cullimore, Jr., Mayor

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Gordon M. Thomas	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Don J. Antczak	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Bruce T. Jones	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the Recorder's office this 30<sup>th</sup> day of October 2007.

**POSTED** this 31 day of October 2007.

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**Chapter 19.87**  
**SITE PLAN REVIEW PROCESS**

**Sections:**

- 19.87.010 Purpose.**
- 19.87.020 Approval required.**
- 19.87.030 Site plan development standards.**
- 19.87.040 ARC requirements.**
- 19.87.050 Special provisions.**
- 19.87.060 Application, review and approval.**
- 19.87.070 Issuance of building permit.**
- 19.87.080 Issuance of certificate of occupancy.**
- 19.87.090 Time limits.**
- 19.87.100 Rules and regulations.**

**19.87.010 Purpose.**

The purpose of this chapter is to clearly outline the requirements for submittal and subsequent review of site plans related to all permitted and conditional land uses in the city. The requirements of this chapter are mandatory for every development described herein.

**19.87.020 Approval required.**

Site plan approval is required for all developments which require a conditional use approval; for any other use, or reason, for which a site plan is required elsewhere in this code; and for the following other uses:

- A. Any industrial use.
- B. Any commercial use.
- C. Any institutional use.
- D. Any multiple-unit residential development.
- E. Any residential developments within the city's sensitive lands overlay zone, or on any property with any slopes in excess of 30%.
- F. Any governmental or quasi-governmental use.

**19.87.030 Site plan development standards.**

Site plans for any use, in any zone, shall conform to the following standards:

A. Site plan standards. The entire parcel shall be built upon, landscaped or paved in accordance with the underlying zoning district's open space and parking requirements, architectural design guidelines and standards as well as any other applicable ordinances adopted by the city or the state.

B. Buffering / screening requirements. Any commercial lot which abuts a residential use shall be effectively screened by a combination of wall(s), fencing, and landscaping of city-approved design. No chain-link or wood fences are permitted as buffering or screening between commercial and residential uses. Masonry and vegetative screens are suggested and, as circumstances dictate, either or both may be required. Required walls or fences shall not be less than six (6) feet in height, unless a wall or fence of a different height is required by the planning commission as part of its review of the site plan. Such wall, fence and landscaping shall be continuously maintained in good, attractive condition, with no advertising thereon.

C. Off-street truck loading space. Every building or structure built, remodeled or occupied after the effective date of this chapter for manufacturing, commercial trade, or other similar uses involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the building's lot adequate space for standing, loading and unloading of the vehicles in order to avoid undue interference with public use of adjoining streets or alleys. Such off-street loading areas shall be concealed from the public's view.

D. Utilities. All utility lines shall be underground in designated easements. No pipe, conduit, cable or line for water, gas, sewage, drainage, steam, electrical or any other source or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation, or other purposes during construction.

1. Transformers shall be grouped with other utility meters where possible, and shall

be screened with vegetation or another appropriate methods as determined by the city's planning director.

2. Prior to construction, "Blue Stakes" must be contacted to identify underground utility lines.

E. Grading and drainage. Drainage from any lot must follow the city's current requirements for on-site retention and (generally) a maximum allowable discharge of 0.2 cubic feet per second (cfs) per acre, or such other grading and drainage requirements as the city engineer deems necessary. Drainage shall not be allowed to flow upon adjoining lots unless the owner of the lot upon which the water flows has granted an easement for such purpose and the city has approved such drainage plan.

F. Preliminary condominium plat. When the proposed site plan includes condominium units, it shall include a preliminary condominium plat. Said plat shall include a survey of the property, the proposed building locations and elevations, identifying each unit in the development. Approval of the proposed site plan shall constitute preliminary approval of the proposed condominium plat.

#### **19.87.040 ARC requirements.**

A. Gateway design guidelines. All developments within the gateway overlay zones, or those areas and developments which are specifically listed as being subject to the gateway design guidelines, shall adhere to the requirements of the gateway design guidelines and standards.

B. Mechanical equipment. All mechanical equipment shall be located or screened (and/or other measures taken) so as not to be visible from any public or private street. Screens shall be aesthetically incorporated into the design of the building, whether located on the ground or roof. Rooftops of buildings shall be free of any mechanical equipment unless completely screened. Screening materials shall conform to the color scheme of the primary building. Measures taken to shield mechanical equipment from view, other than screening,

must be approved by the planning commission.

C. Trash enclosures, storage areas, and external structures. Landscaping, fencing, berms or other devices integral to overall site and building design shall screen trash enclosures, storage areas, and other external structures. Trash and storage areas shall be compatible with the proposed or existing building and surrounding structures. These areas shall be well-maintained and oriented away from public view. The consolidation of trash areas between businesses and the use of modern disposal and recycling techniques are encouraged. Chain-link fences and fencing with vinyl slats are prohibited. Acceptable gates will be painted metal.

D. Exterior materials. The city's architecture review commission ("ARC") shall ensure that all buildings are aesthetically pleasing and conform to an overall master design theme or plan for the project or overlay area of the city. Building elevations shall be submitted that indicate all colors, styles, materials and other proposed building treatments.

E. Landscape guidelines. All site plans shall conform to the city's landscaping guidelines.

F. Building lighting. Plans for exterior building lighting shall be approved as part of the site plan approval. Building lighting shall be shielded and full cut-off so that the light source does not penetrate beyond the property where the structure is located. To prevent light pollution, to the greatest extent possible lighting shall not project above or beyond the property line.

G. Parking lot and street lighting. All parking lot light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties. Lighting of all pedestrian pathways is required.

1. Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings.

2. Intensities shall be controlled so that glare or excessive direct light will not

adversely affect neighboring areas. All streetlights and interior parking lot lights shall meet the City's lighting design standards.

**19.87.050 Special provisions.**

A. Uses within buildings. All uses established in any commercial or industrial zone shall be conducted entirely within a fully-enclosed, approved building except those uses deemed by the planning commission to be customarily and appropriately conducted in the open

B. Nuisances. All commercial uses shall be free from objectionable odors, noises, hazards or other adverse effects or nuisances.

**19.87.060 Application, review and approval.**

A. Application. The property owner or an authorized agent shall make application for site plan approval on the city's prescribed form. Applications for such approval must be complete and accurate in all respects. No application shall be processed until it has been reviewed for completeness and accepted by the city's planning division, and all fees paid. Incomplete applications will not be processed.

B. Pre-application conference. A pre-application conference shall be held between the applicant and the city's development review committee ("DRC") after the applicant provides the following:

1. Pre-application fees (if applicable).

2. A site analysis. A site analysis is a plan view drawing demonstrating land constraints and existing features, including natural features, man-made features, significant trees, canals or ditches, access points or public rights-of-way and all other said existing conditions within 200 feet of the property line.

3. Conceptual site plan. A conceptual site plan (which may be hand-drawn) or preliminary drawing that outlines the building footprint, the area devoted to landscaping and the general concept of storm drainage.

4. Conceptual architectural elevations. Conceptual architectural elevations consist of any architectural drawings or pictures showing the intent of the architectural theme or design elements of the development or any individual building.

C. Site plan and conditional use application process. When the planning division determines that the applicant has met the requirements of the pre-application meeting, the applicant will be permitted to make application for the proposed development, land use or buildings.

D. Accompanying maps and drawings required. The information submitted with the application shall include nine (9) 24" x 36" copies and five (5) 11" x 17" copies of the site plan, landscaping plan, elevation, drainage plan and utility plan, and also shall include the following:

1. Vicinity map. A general location map identifying the approximate location of the subject parcel.

2. Context plan. A context plan including all existing features, manmade or otherwise, on and within 200 feet of the property line of the proposed site.

3. Property owner information. The names of property owners and addresses of the proposed site and all adjacent lots.

4. Survey. A survey prepared and stamped by a Utah registered land surveyor listing the legal description and the gross acreage within the subject parcel.

5. Site Plan. A site plan is required and shall be prepared and stamped by a licensed and/or certified architect, landscape architect, land planner, engineer, surveyor, transportation engineer, or other professional deemed necessary by the planning director. The city may require plans prepared by any or all of the above-noted professionals. A site plan shall contain the date, scale, north arrow and:

(a) Name of the proposed project.

(b) Boundaries of the subject parcel and the entire project (where the project does not occupy the entire parcel of which it is part).

(c) Full cross coordinate numbered addresses for existing and proposed streets.

(d) Existing streets, watercourses, easements and other rights-of-way, and section lines.

(e) Locations, dimensions and uses of all proposed buildings and structures, including overhangs, porches, stairwells, and balconies, and the locations of all structures on adjoining properties.

(f) Access points, provisions for vehicular and pedestrian circulation on- and off- site, interconnection to adjacent sites and dimensions of such access and circulation.

(g) Acceleration and deceleration lanes and dimensions thereof.

(h) Off-street parking and loading areas complying with the city's off-street parking requirements.

(i) Screening and buffering provisions, including types and heights of existing and proposed buffering and fencing elements, with elevations.

(j) Location and treatment of refuse collection areas, storage areas, mechanical equipment, and external structures, with elevations.

(k) Location and size of existing utilities and general location of utility access points and hook ups.

(l) Location, type and size of all business and on-site circulation signage.

(m) Tabulation of square footage devoted to various land uses, ground coverage by structures and other impervious surfaces.

(n) Location of existing and proposed curb, gutter, sidewalk, park strip and edge of asphalt, to be prepared, signed and stamped by a registered professional engineer.

(o) Type of construction of all structures, presence or absence of fire sprinkling and location of existing and proposed fire hydrants within 600 feet.

(p) Location of all existing and proposed secondary irrigation systems, both on site and on adjacent properties, including but not limited to ditches, pipes, and culverts.

(q) A statement on the site plan that all applicable elements of the Americans with

Disabilities Act Accessibility Guidelines will be followed.

(r) The piping of all existing irrigation ditches which affect the site.

(s) The names and addresses of all adjacent property owners.

6. Landscaping Plan. A landscaping plan, prepared by a landscape architect, or other qualified professional, indicating the location, spacing, types and sizes of landscaping elements, existing, and showing compliance with the city's off-street parking requirements, the city's design guidelines and policies, and the requirements of the appropriate zoning district.

7. Flood boundaries as per FEMA and geologic hazards if the property is located within the sensitive lands overlay zone.

8. Grading and drainage plan. A grading and drainage plan which indicates the proposed grading and techniques for controlling and discharging drainage. The plan must include:

(a) Topographical plans showing existing grades and proposed grades and elevations with contours at one foot intervals.

(b) Location and elevations of all existing and proposed drainage facilities within the subject parcel and the general vicinity of the project.

(c) Detention systems with their volume, type of construction and release rate.

(d) Storm sewer piping and other appurtenances, sizes and locations.

(e) A note indicating that all storm drainage facilities will conform to the city's construction standards and policies.

9. Lighting plan. A lighting plan in conformity with the city's lighting standards and (if applicable) gateway design guidelines and standards. The lighting plan shall indicate the illumination of all interior areas and adjacent streets, showing the location, candle power and type of lighting proposed.

10. Elevations. The elevations of all buildings, fences and other structures viewed from all sides, indicating height of structures, the average finished grade of the

site at the foundation area of all structures, percentage of building materials proposed, and color of all materials.

11. Signage plan. The planning commission shall approve an overall signage plan during the site plan approval process. All information to be provided for the sign approval may be submitted concurrently with site plan application materials, but is not required.

12. Traffic impact study. A traffic impact study (completed by a certified traffic engineer) may be required if the DRC determines that a need exists to review the potential traffic impacts of the proposed development.

13. Fee. A fee set by ordinance or by resolution of the city council shall accompany the application for any site plan review.

E. Action. The planning division and the planning commission shall review and take action to approve, disapprove, or to modify any application made to it.

F. Notification. Upon the granting or denying of a site plan application, the planning division shall prepare and mail or deliver to the applicant a written statement of the decision, and in the case of a denial, the reasons therefor. When an approval is granted, all conditions shall be met as specified by the planning division and/or the planning commission before a final approval is granted.

G. Development agreement. Following planning commission approval, but before final approval is granted, a development agreement between the owner and the city incorporating conditions and special provisions imposed by the planning commission may be required. Such agreement shall be in the form required by the city attorney and may require approval of the city council.

H. Bonding. Bonding shall be in place prior to final approval of a development application. All bonds accepted by the city shall be completed using the proper forms and figures issued by the city.

I. Final approval. The planning division will prepare a final approval letter

bearing the official stamp of the city's planning division, which will be accompanied by stamped and approved plans. Together these plans and approval letter will constitute the approved plans for the project. The developer will receive one copy, the DRC will receive one copy, and one copy will be retained in the city's file for the development.

#### **19.87.070 Issuance of a building permit.**

A building permit shall not be issued for any project requiring site plan approval under this chapter until final site plan approval is granted and approved plans and specifications are on file with the city.

#### **19.87.080 Issuance of a certificate of occupancy.**

A certificate of occupancy shall not be issued for any building or structure, external alterations thereto, or any sign, until the provisions of the approved site plan and written development agreement (if any) have been completed and fully performed.

#### **19.87.090 Time limits.**

Unless there is substantial action under a conditional use permit within a maximum period of one year after its issuance, said permit shall expire. The planning commission may grant one extension of up to six months, when deemed in the public interest, upon application by the permittee before expiration of the permit. The approval of a proposed conditional use permit by the planning commission shall authorize only the specific use for which it was issued.

#### **19.87.100 Rules and regulations.**

The planning commission may from time to time, by resolution, adopt and amend written regulations and guidelines to assist the planning commission, its advisory bodies, and planning staff to accomplish the permitted purposes of this chapter.

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